IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(oracle01.031)

5 | **Applicant:** | Alok Srivastava | **Confirmation No.:** 6477 |

Application No: 10/798,545   **Group Art Unit:** 2169

Filed: 3/11/2004   **Examiner:** Paul Kim

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Title: *Method and apparatus for integrating data from external sources into a database system*

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15 Commissioner for Patents
Alexandria, VA 22313-1450

Appeal Brief under 37 C.F.R. 41.37

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(1) Real party in interest

The assignee of record, Oracle International Corporation, is a wholly-owned subsidiary of Oracle Corporation, Redwood Shores, CA.

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(2) Related appeals and interferences

None.

(3) Status of claims

Claims 1-28 are presently pending in the application. In his final Office action of 3/10/2010, Examiner rejected all claims as they had been amended in Applicant's response of July 26, 2009 under 35 U.S.C. 103 as obvious over the combination of Levy, U.S. Patent 5,995,961 (hereinafter "Levy") with U.S. patent 6,546,421, Wynblatt, et al., *System and method for automatic selection of internet data streams*, filed June 30, 1999 (hereinafter "Wynblatt"). No further amendments have been made. Applicant traversed the rejections in his response to the final rejection of 9 June 1010. In an advisory action of 16 June 2010, Examiner persisted in his rejections. Applicant then filed a *Request for a pre-appeal brief conference* with the requisite *Brief* and *Notice of Appeal* on 8 July 2010. A decision by the Conferees on 7/22/2010 indicated that the application should go to the Board of Appeals. Claims 1-28 as they were amended July 26, 2009 thus stand rejected.

(4) Status of amendments

The last amendments to the claims were made in Applicant's response of 26 July 2009 to Examiner's non-final Office action of 28 April 2009. All of the amendments made in the response of July 26 have been entered.

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(5) Summary of claimed subject matter

Overview of Applicant's invention

The disclosure upon which the claims that are at issue in the present appeal is based may be found on page 21, line 29 through page 24, line 9 of Applicant's *Specification*. An
5 embodiment of the invention is shown in FIG. 10. The invention to which the claims are directed is a solution to the following problem: database systems are excellent for finding information about streaming data items such as movies or video for a user, but are not well-suited to delivering the streaming data to the user.

10 The prior art solution to this problem is to have the user of the streaming data item employ a search server which is accessible via the Web and includes a database system to find the desired streaming data item. When the user selects the desired streaming data item, the search server returns a specifier such as a URL for the desired streaming data item via the Web to the user. The user then employs the returned specifier to set up a
15 connection via the Web for the streaming data item between the user's system and a streaming data server that contains the streaming data item. See in this regard page 22, line 29-page 23, line 3.

Applicant's solution is simply this: as before, the user employs the search server via the
20 Web to find and select the desired streaming data item; however, the search server, instead of returning the specifier for the streaming data to the user via the Web so that the user can set up the connection, again via the Web, provides the specifier and a specifier for the user via the Web to the streaming data server, which then employs the specifier for the streaming data item and the specifier for the user to set up the connection via the
25 Web between the user's system and the streaming data. See page 23, line16 through page 24, line 8.

Overview of the claims

The pending claims include 6 independent claims, 1, 5, 19, 9, 15, and 23. The
30 independent claims fall into two groups:

- Claims 1, 5, and 19 claim Applicant's solution from the point of view of the

search server. Claim 1 is a method claim, claim 5 is an apparatus claim, and claim 19 is a Beauregard claim based on claim 1.

- Claims 9, 15, and 23 claim Applicant's solution from the point of view of the streaming data server. Claim 9 is a method claim, claim 15 is an apparatus claim, and claim 23 is a Beauregard claim based on claim 9.

The dependent claims add two groups of limitations to each of the independent claims: claims 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, and 26 add limitations directed to an Internet-based implementation of the invention; claims 3, 17, 13, 21, and 27 add limitations directed to an implementation in which the search server's database system is an object-relational database system. In the following, the independent claims will be discussed first, followed by typical ones of the dependent claims.

Claims 1, 5, and 19

<u>Claim 1</u>

Claim 1 is a straightforward method claim to the invention as a method that is performed in the search server. Reference numbers are included in claim 1 and the other claims for the convenience of the Board only and are not intended to limit the scope of the claim. Claim 1 reads as follows:

> 1. A method performed in a search server (1007) of initiating a connection (1027) via a network (1003) for a streaming data item between a client (1005) for the streaming data item and a streaming data item server (1019 that contains the streaming data item, the client and the streaming data item server and the client and the search server being accessible to each other via the network, the connection being independent of the search server, and the method comprising the steps of:
> receiving a specification of the streaming data item from the client via the network (1023);
> using the specification to make a query (1013) on a database system (1009) that is accessible to the search server, the query returning a first identifier that identifies the streaming data item (1014); and
> providing the first identifier and a second identifier (1025) to the streaming data item server that contains the streaming data item, the second identifier identifying the client and the first identifier and the second identifier being used by the streaming data item server to establish the connection (1027) between the client and the streaming data item.

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FIG. 10 shows a system 1001 which includes a DBMS search server 1007 in which the steps of the method of claim 1 are performed. The components of system 1001 are explained at page 23, lines 4-14 of Applicant's Specification; the claimed method is explained at page 23, line 16-page 24, line 8.

Claim 5 is an apparatus claim to "connection initiation apparatus". The apparatus of claim 5 includes the search server and the database system:

> 5. Connection initiation apparatus that has access to a network (1003) whereto a streaming data item server (1019) that contains a streaming data item and a client (1005) for a streaming data item also have access, the connection initiation apparatus comprising:
> a search server (1007); and
> a database system (1011) to which the search server has access,
> the search server responding to a specification of the streaming data item received from the client (1023) by using the specification to make a query (1013) for the database system, the database system responding to the query by returning a first identifier that identifies the streaming data item (1014) and the search server thereupon providing the first identifier and a second identifier that identifies the client to the streaming data item server (1025), the first and second identifiers being used by the streaming data item server to establish a connection (1027) for the streaming data item between the client and the streaming data item server that contains the streaming data item, the established connection being independent of the search server.

A preferred embodiment of the connection initiation apparatus of claim 5 is implemented in system 1001, which, as set forth in the discussion of claim 1, is shown in FIG. 10 and explained at page 23, line 4-page 24, line 8 of Applicant's Specification.

Claim 19 is a Beauregard claim based on the method of claim 1. It reads as follows:

> 19. A data storage device, characterized in that:
> the data storage device contains code which when executed by a processor implements a method performed in a search server (1007) of initiating a connection (1027) via a network (1003) for a streaming data item between a client (1005) for the streaming data item and a streaming data item server (1019) that contains the streaming data item, the client and the streaming data item server and the client and the search server being accessible to each other via the network, the connection being independent of the search server, and the method comprising the steps of:

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receiving a specification of the streaming data item from the client via the network (1023);

using the specification to make a query (1013) on a database system (1009) that is accessible to the search server, the query returning a first identifier (1014) that identifies the streaming data item;

providing the first identifier and a second identifier to the streaming data item server that contains the streaming data item (1025), the second identifier identifying the client and the first identifier and the second identifier being used by the streaming data item server to establish the connection (1027) between the client and the streaming data item.

The data storage device may of course be any data storage device that is accessible to DBMS search server 1007. An example is storage 102 for the computer system that the database system is running on, as shown in FIG. 1 and discussed at page 4, lines 4-18. The method performed by the processor is that of claim 1.

Claims 9, 15, and 23

Claim 9

Claim 9 is a straightforward claim to the invention as a method that is performed in the streaming data item server. The claim reads as follows:

9.   A method of establishing a connection (1027) via a network (1003) for a streaming data item between a client (1005) for the streaming data item and a streaming data item server (1019 that contains the streaming data item, the client and the streaming data item server being accessible to each other via the network and the method comprising the steps performed in the streaming data item server of:

receiving via the network a first identifier that identifies the streaming data item in the streaming data item server and a second identifier that identifies the client (1025), the first and second identifiers being received from a search server (1007), the search server and the client and the search server and the streaming data item server being accessible to each other via the network and the search server using a specification (1023) of the streaming data item received from the client via the network to obtain the first identifier; and

using the first and second identifiers to establish the connection (1027) with the client, the established connection being independent of the search server.

A preferred embodiment of the method of claim 9 is implemented in system 1001, which, as set forth in the discussion of claim 1, is shown in FIG. 10 and explained at page 23,

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line 4-page 24, line 8 of Applicant's Specification.

<u>Claim 15</u>

Claim 15 is a claim to "apparatus that establishes a connection", which in the
embodiment of system 1001 includes the streaming data server and plugin 1021 for
search server 1007. The claim reads as follows:

> 15. Apparatus that establishes a connection, the apparatus having
> access to a network (1003) to which a client (1005) for a streaming data
> item and a search server (1007) also have access,
> the apparatus that establishes a connection comprising:
> a streaming data item server (1019) that contains and provides
> streaming data items to clients via the network; and
> a receiver (1021) in the streaming data item server,
> the receiver receiving a first identifier for the streaming data item and a
> second identifier for the client from the search server via the network
> (1025), the search server having used a specification of the streaming data
> item received from the client via the network (1023) to obtain the first
> identifier and the receiver providing the first identifier and the second
> identifier to the streaming data item server, the streaming data item server
> using the first identifier and the second identifier to establish a connection
> (1027) for the streaming data item between the client and the streaming
> data item server, the established connection being independent of the
> search server.

System 1001, in which the preferred embodiment of claim 15 is implemented, is, as set
forth in the discussion of claim 1, shown in FIG. 10 and explained at page 23, line 4-page
24, line 8 of Applicant's Specification.

<u>Claim 23</u>

Claim 23 is a Beauregard claim based on method claim 9. It reads as follows:

> 23. A data storage device, characterized in that:
> the data storage device contains code which when executed by a processor
> implements a method of establishing a connection (1027) via a network
> (1003) for a streaming data item between a client (1005) for the streaming
> data item and a streaming data item server (1019) that contains the
> streaming data item, the client and the streaming data item server being
> accessible to each other via the network and the method comprising the
> steps of:
> receiving via the network a first identifier that identifies the
> streaming data item in the streaming data item server and a second

identifier that identifies the client (1025), the first and second identifiers being received from a search server (1007), the search server and the client and the search server and the streaming data item server being accessible to each other via the network and the search server using a specification of the streaming data item received from the client via the network (1023) to obtain the first identifier; and

using the first and second identifiers to establish the connection (1027) with the client, the established connection being independent of the search server.

Streaming data servers of course necessarily include processors and also necessarily have access to data storage devices which can contain the code which, when executed by the processor, implements the claim's method. A preferred embodiment of the method of claim 23 is implemented in system 1001, which, as set forth in the discussion of claim 1, is shown in FIG. 10 and explained at page 23, line 4-page 24, line 8 of Applicant's Specification.

Dependent claims 3,7,13, 21, and 27

These claims are addressed to implementations of the invention in which the database system queried by the search server is an object-relational database system that includes a table with an object that represents a streaming database item. An open method for the object returns the "first identifier" of the independent claims. Claim 3 is typical:

    3.   The method of initiating a connection set forth in claim 1 wherein:

    the database system is an object relational database system that includes a table containing an object that represents the streaming data item,

    an open method for the object is defined in the database system, the open method returning the first identifier; and

    the database system responds to the query by executing the open method and returning the first identifier.

The specific disclosure upon which the claim is based may be found at page 23, lines 23-31. An overview of object-relational database systems may be found at page 9, lines 11-11-25.

Dependent claims 2,4,6,8,10,12,14,16,18,20,22,24,26, and 28

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These claims are addressed to implementations of the invention in which network 1003 operates according to Internet protocols. Claim 2 is typical:

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2.   The method of initiating a connection set forth in claim 1 wherein:
      the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;
      the first identifier is a URL for the streaming data item; and
      the second identifier is a current IP address for the client.

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The preferred embodiment of FIG. 10 is an example of an implementation in which network 1003 operates according to the Internet protocols. The use of the protocols in the implementation is described at page 23, line 16-page 24, line 8.

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(6) Grounds of rejection to be reviewed on appeal

The grounds of rejection which are to be reviewed on appeal are the rejections of claims 1,3,5,7,9,11,13,15,17,19,21,23,25, and 27 under 35 U.S.C. 103 as obvious over the combination of Levy and Wynblatt and the rejection of claims 2,4,6,8,10,12,14,16,18,20,22,24,26, and 28 as unpatentable under 35 U.S.C. 103 as obvious over the combination of Levy, Wynblatt, Rodriguez, and Official Notice or as obvious over the combination of Levy, Wynblatt, and Official Notice.

(7) Argument

Grouping of claims for the argument

For the purposes of the following *Argument*, the claims will be grouped as follows, with the claims in a group standing and falling together:

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Group 1: Claims 1, 5, and 19.

Group 2: Claims 9, 11, 15, 17, 23, and 25.

Group 3: Claims 3,7,13, 21, and 27.

Group 4: Claims 2,6,10,16,20, and 24.

10   **Group 5:** Claims 4,8,14,22, and 28.

Group 6: Claims 12,18, and 26

Traversal of the rejection of the claims of Group 1 (claims 1, 5, and 19) under 35 U.S.C. 103 as obvious over the combination of Levy and Wynblatt

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<u>The issue</u>

The issue between Applicant and Examiner is whether the combination of Levy with Wynblatt discloses all of the limitations of each of those claims. As already pointed out in the section *Summary of claimed subject matter*, the problem which Applicant's

20   invention solves and its solution are the following:

> The invention to which the claims are directed is a solution to the following problem: database systems are excellent for finding information about streaming data items such as movies or video for a user, but are not well-suited to delivering the streaming data to the user.

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> The prior art solution to this problem is to have the user of the streaming data item employ a search server which is accessible via the Web and includes a database system to find the desired streaming data item. When the user selects the desired streaming data item, the search server returns a

30   specifier for the desired streaming data item such as a URL via the Web to the user. The user then employs the returned specifier to set up a connection via the Web for the streaming data item between the user's system and a streaming data server that contains the streaming data item. See in this regard page 22, line 29-page 23, line 3.

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> Applicant's solution is simply this: as before, the user employs the search server via the Web to find and select the desired streaming data item; however, the search server, instead of returning the specifier for the

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streaming data to the user via the Web so that the user can set up the connection, again via the Web, provides the specifier and a specifier for the user via the Web to the streaming data server, which then employs the specifier for the streaming data item and the specifier for the user to set up the connection via the Web between the user's system and the streaming data. See page 23, line16 through page 24, line 8.

Claim 1 is exemplary for the claims of group 1. It reads as follows:

> 1. A method performed in a search server (1007) of initiating a connection (1027) via a network (1003) for a streaming data item between a client (1005) for the streaming data item and a streaming data item server (1019 that contains the streaming data item, the client and the streaming data item server and the client and the search server being accessible to each other via the network, the connection being independent of the search server, and the method comprising the steps of:
> receiving a specification of the streaming data item from the client via the network (1023);
> using the specification to make a query (1013) on a database system (1009) that is accessible to the search server, the query returning a first identifier that identifies the streaming data item (1014); and
> providing the first identifier and a second identifier (1025) to the streaming data item server that contains the streaming data item, the second identifier identifying the client and the first identifier and the second identifier being used by the streaming data item server to establish the connection (1027) between the client and the streaming data item.

As the members of the Board will immediately see, claim 1 is distinguished from the prior art described in Applicant's *Specification* by its last clause, which sets forth the manner in which the *search server* "steps aside" by providing the *streaming server* with the information *the streaming server* needs to establish the connection between the *client* and the streaming data item. Because the search server "steps aside" in this fashion, the invention avoids the difficulties of running the connection through the search server without having to adopt the prior art solution of requiring the *client* to provide the information needed to establish the connection to the streaming data server.

The references

Both Levy and Wynblatt are examples of the prior art described in Applicant's *Specification.*

Levy

Levy's disclosure is well-summarized in his *Abstract* and FIG. 1. The *Abstract* reads as follows:

> A system and method for accepting and responding to queries based on information stored on multiple heterogeneous information sources. A uniform query interface to large collections of structured information sources is provided to a user to pose queries using a uniform schema of the available information. A query plan for answering the query is formulated from descriptions of the contents and capabilities of the available information sources. Based on these descriptions logical solutions which are subsets of the complete solution to the query are derived. An order for executing these solutions is determined based on the input requirements and other capabilities of the relevant information sources.

As set forth in the first sentence of the *Abstract*, the problem addressed by Levy is providing a uniform query interface which permits the use of a single query to retrieve information from differently-structured sources of structured information. Referring to Levy's FIG. 1, the uniform query interface is shown at 101, 102, 103, 111, 112, 113, 114, and 115. The differently-structured information sources are shown at 140; the Internet-based interfaces to the information sources are shown at 130. The problem is solved by defining the single query in terms of world view 102 and then using query plan generator 114 to generate a plan for answering the query using a set of queries to the information sources 140, with each of the queries in the set having the form required for the information source it is being applied to. As is clearly shown in FIG. 1, all of the information received in response to the queries is returned to user interface 101 via execution engine 115; there is no return of information directly from an information source 140 to user interface 101. It should further be pointed out here that none of Levy's information sources returns streaming data.

Wynblatt

Wynblatt is another example of the prior-art technique of providing the client with the location of the streaming data and letting the client establish the connection with the streaming data server. Wynblatt's FIG. 2 shows a system for delivering streaming data to a client. The figure is described at col. 2, line 54-col. 3, line 50. As set forth there,

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Wynblatt's local computer 115 executes a client program 116 which accesses data streams from data stream servers 110, descriptions of the data streams' contents from descriptive WWW servers 111, and files with lists of URLs for data streams and data stream descriptions in servers 111 and 110 from friendly server 112. See in this regard col. 2, line 57-col. 3, line 26.

The flowchart of FIG. 3 shows how *client program* 116 interacts with servers 110 and 111 and friendly server 112 to obtain streaming data. The flowchart is described at col. 3, line 53-col. 7, line 57. As is apparent from the discussion, *all of the steps of the flowchart are performed by client program 116.* In steps 301 and 302, the client downloads "data source addresses" from friendly server 112. The data source addresses are URLs of data streams in data stream servers 110 and descriptive pages from descriptive servers 111 (col. 4, lines 17-25, lines 55-56). In step 303, the client uses the downloaded URLs of descriptive pages to download descriptive data about the data streams (col. 4, lines 55-61). In step 304, the client employs a value function to choose the preferred stream. In step 305,

> the client program 116 initiates a connection to the corresponding data stream server 110 and requests the data stream (step 305) (if a different data stream was previously opened, it is closed at this time). In particular, the client 116 and server 111 establish a streaming connection using a standard protocol such as RTSP. Once the streaming connection is established, the client 116 begins receiving data and processing the data, which is then output by the local computer 115 as appropriate for the given application. (col. 7, lines 19-27) (emphasis added)

From the flowchart of FIG. 3 and the foregoing description, there can be no doubt that it is Wynblatt's *client* that establishes the connection with the streaming server. This fact places Wynblatt squarely within the prior art techniques set forth at page 22, line 29-page 23, line 2 of the present application. In those techniques, it is the *client* which interacts with the streaming server to establish the connection. The *client* provides the URL for the streaming data and the client's own ID to the server and the streaming server uses the URL and the client's ID to set up the connection.

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Failure of the combination of Levy and Wynblatt to disclose all of the elements of Applicant's claim 1

Neither Levy nor Wynblatt discloses claim 1's method step, performed in the *search server*, of

> providing the first identifier and a second identifier to the streaming data item server that contains the streaming data item, the second identifier identifying the client and the first identifier and the second identifier being used by the streaming data item server to establish the connection between the client and the streaming data item.

The above method step *requires* that the *search server* (not the client) provides the first identifier (the id for the streaming data item) and the second identifier (the ID for the client) to the streaming data item server. The *streaming data item server* (not the client) then uses the identifiers to establish the connection between the client and the streaming data item. Because neither Levy nor Wynblatt discloses the above method step, the references cannot be combined to show all of the limitations of claim 1 and Examiner's rejection of claim 1 under 35 U.S.C. 103 is without basis.

<u>Detailed rebuttal of Examiner's rejection of claim 1</u>

As can be seen by the fact that Examiner has combined many different references with Levy over the course of the prosecution of the present application, Examiner agrees that Levy does not disclose the limitations of the method step cited above. Examiner's final word regarding Wynblatt is his Advisory action of 6/16/2010. There, Examiner cites to Wynblatt's description at col. 4, lines 15-25 and lines 55-64 and col. 5, lines 50-65 of how the *client* uses URLs for streaming data to download descriptive pages for the streaming data from the descriptive server, applies a value function to the downloaded pages to select one of the items of streaming data, and then uses the URL corresponding to the page to establish the connection between the client and the streaming data. Again, there is nothing in any of this which shows the cited step's limitation that the *search server* provide the information *to the streaming server* which the streaming server uses to make the connection.

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The rejection of claims 5 and 19

Claim 5 is an apparatus claim to the invention which is claimed in method form in claim 1 and claim 19 is a Beauregard claim based on the method of claim 1. As with regard to claim 1, the combination of Levy and Wynblatt fails to disclose all of the limitations of

5   claims 5 and 13 and the rejection of these claims under 35 U.S.C. 103 as obvious over the combination of Levy and Wynblatt is consequently also without basis.

Traversal of the rejection of the claims of Group 2 (Claims 9, 11, 15, 17, 23, and 25) under 35 U.S.C. 103 as obvious over the combination of Levy and Wynblatt

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The claims of group 1 claim Applicant's invention from the point of view of the search server; the claims of group 2 claim it from the point of view of the streaming data server. Claim 9 is a method claim to the invention as claimed from the point of view of the streaming data server; it reads as follows:

15   9. A method of establishing a connection (1027) via a network (1003) for a streaming data item between a client (1005) for the streaming data item and a streaming data item server (1019 that contains the streaming data item, the client and the streaming data item server being accessible to each other via the network and the method comprising the
20   steps performed in the streaming data item server of:
             receiving via the network a first identifier that identifies the streaming data item in the streaming data item server and a second identifier that identifies the client (1025), the first and second identifiers being received from a search server (1007), the search server and the
25   client and the search server and the streaming data item server being accessible to each other via the network and *the search server using a specification (1023) of the streaming data item received from the client via the network to obtain the first identifier;* and
             using the first and second identifiers to establish the connection
30   *(1027) with the client, the established connection being independent of the search server.* (emphasis added)

As the Board will immediately understand, the emphasized limitations are substantially those which, as demonstrated in detail above with regard to claim 1, are not disclosed in

35   either Levy or Wynblatt, and for that reason, Examiner's rejection of claim 9 under 35 U.S.C. 103 as obvious over the combination of Levy and Wynblatt is also without basis. Further, claim 15 is an apparatus claim to the invention which is claimed in method form

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in claim 9 and claim 23 is a Beauregard claim based on the method of claim 9. As with regard to claim 9, the combination of Levy and Wynblatt fails to disclose all of the limitations of claims 15 and 23 and the rejection of these claims under 35 U.S.C. 103 as obvious over the combination of Levy and Wynblatt is consequently also without basis.

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Traversal of the rejection of dependent claims 11, 17, and 25

Claims 11, 17, and 25 are not obvious over the combination of Levy and Wynblatt because the claims they are dependent from are not obvious over that combination.

10 *Traversal of the rejection of the claims of Group 3 (Claims 3,7,13, 21, and 27) under 35 U.S.C. 103 as obvious over the combination of Levy and Wynblatt*

Claim 3 is exemplary for these claims:

15   3.   The method of initiating a connection set forth in claim 1 wherein:
            the database system is an object relational database system that
        includes a table containing an object that represents the streaming data
        item,
            an open method for the object is defined in the database system,
20   the open method returning the first identifier; and
            the database system responds to the query by executing the open
        method and returning the first identifier.

In his final rejection of 3/10/2010, Examiner finds the additional limitations of the claim
25 at col. 4, lines 26-36 of Levy. The cited location describes the operation of plan generator 114 in FIG. 1. What plan generator 114 does is "formulate[] a plan for answering the query that satisfies and exploits the capabilities of the information sources". There is no indication whatever that the plan generator is an "object relational database system" within the meaning of the term "object relational" as it is defined at
30 page 9, lines 11-25 of Applicant's Specification, that the plan generator "includes a table containing an object that represents the streaming data item, that the plan generator defines "an open method" for the object [that represents the streaming data item", or that the plan generator "respond[s] to the query by executing the open method". Examiner does not claim that Wynblatt adds to the disclosure of col. 4, lines 26-36 of Levy. Since

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neither Levy nor Wynblatt discloses anything like the claim's limitations of "an open method" for the object [that represents the streaming data item", or that the plan generator "respond[s] to the query by executing the open method", there is no basis for Examiner's rejection of the claim under 35 U.S.C. 103 as obvious in light of the combination of Levy and Wynblatt. The same argument applies of course to each of the other claims of the group.

Traversal of the rejections of dependent claims 2,4,6,8,10,12,14,16,18,20,22,24,26, and 28

It should first be pointed out that one of Examiner's grounds of rejections of these claims in his final rejection of 3/10/2010 was Rodriguez, U.S. patent application publication 2004/0059720. The application of which 2004/0059720 is the publication, was filed on 23 September 2002, i.e., *after* the 29 October 1999 filing date of the parent of the present application. Rodriguez is thus not available as a reference against Applicant's claims, and to the extent that the rejections of dependent claims 2,4,6,8,10,12,14,16,18,20,22,24,26, and 28 depend upon Rodriguez, they are without basis.

Otherwise, the rejections of these claims depend on the rejections of the claims that they are dependent from. Thus, the claims of Group 4, namely claims 2,6,10,16,20, and 24, are not obvious over the combination of Levy, Wynblatt, and Official Notice because each of these claims is dependent from one of the independent claims 1, 5, 9, 15, 19, and 23.

The claims of Group 5, namely claims 4,8,14,22, and 28, are not obvious over the combination of Levy, Wynblatt, and Official Notice, because claims 3, 7, 13, 21, and 27, from which claims 4, 8, 14, 22, and 28 are dependent, include additional limitations which are not disclosed in Levy or Wynblatt, as set forth in the foregoing discussion of the claims of Group 3.

The claims of Group 6, namely claims 12,18, and 26, finally, are not rendered obvious by the combination of Levy and Wynblatt because they are dependent from claims of Group 2, which as shown in the discussion of that group, are not rendered obvious by the combination of Levy and Wynblatt.

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Conclusion

In the foregoing, Applicant has complied with the requirements of 37 C.F.R. 41.37 with regard to his *Brief* and has demonstrated in the *Brief* that examiner has failed to establish a *prima facie* case of obviousness with regard to *any* of his rejections under 35 U.S.C.

10   103. That being the case, the rejections cannot stand and Applicant respectfully requests that the Board of Appeals reverse the examiner with regard to all of his rejections and remand the application to the examiner for further processing as indicated by the reversals. The requisite *Notice of Appeal* was filed in the *Request for a pre-appeal brief conference* made in the present application on July 8, 2010. The requisite fee for filing

15   an appeal brief and the fee for a two-month extension of time accompany this brief. Please charge any underpayments and credit any overpayments to charge account #501315.

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Respectfully submitted,

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30   Date

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(8) Appendix of claims

1. A method performed in a search server of initiating a connection via a network for a streaming data item between a client for the streaming data item and a streaming data item server that contains the streaming data item, the client and the streaming data item server and the client and the search server being accessible to each other via the network, the connection being independent of the search server, and the method comprising the steps of:

receiving a specification of the streaming data item from the client via the network;

using the specification to make a query on a database system that is accessible to the search server, the query returning a first identifier that identifies the streaming data item; and

providing the first identifier and a second identifier to the streaming data item server that contains the streaming data item, the second identifier identifying the client and the first identifier and the second identifier being used by the streaming data item server to establish the connection between the client and the streaming data item.

2. The method of initiating a connection set forth in claim 1 wherein:

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;

the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

3. The method of initiating a connection set forth in claim 1 wherein:

the database system is an object relational database system that includes a table containing an object that represents the streaming data item,

an open method for the object is defined in the database system, the open method returning the first identifier; and

the database system responds to the query by executing the open method and returning the first identifier.

4.   The method of initiating a connection set forth in claim 3 wherein:

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;

5   the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

5.   Connection initiation apparatus that has access to a network whereto a streaming data item server that contains a streaming data item and a client for a streaming

10   data item also have access, the connection initiation apparatus comprising:

a search server; and

a database system to which the search server has access,

the search server responding to a specification of the streaming data item received from the client by using the specification to make a query for the database system, the database

15   system responding to the query by returning a first identifier that identifies the streaming data item and the search server thereupon providing the first identifier and a second identifier that identifies the client to the streaming data item server, the first and second identifiersbeing used by the streaming data item server to establish a connection for the streaming data item between the client and the streaming data item server that contains

20   the streaming data item, the established connection being independent of the search server.

6.   The connection initiation apparatus set forth in claim 5 wherein:

the client, the streaming data item server, and the search server communicate via

25   the network using the HTTP protocol; and

the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

7.   The connection initiation apparatus set forth in claim 5 wherein:

30   the database system is an object relational database system that includes a table containing an object that represents the streaming data item,

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an open method for the object is defined in the database system, the open method returning the first identifier; and

the database system responds to the query by executing the open method and returning the first identifier.

8. The connection initiation apparatus set forth in claim 7 wherein:

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol; and

the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

9. A method of establishing a connection via a network for a streaming data item between a client for the streaming data item and a streaming data item server that contains the streaming data item, the client and the streaming data item server being accessible to each other via the network and the method comprising the steps performed in the streaming data item server of:

receiving via the network a first identifier that identifies the streaming data item in the streaming data item server and a second identifier that identifies the client, the first and second identifiers being received from a search server, the search server and the client and the search server and the streaming data item server being accessible to each other via the network and the search server usings a specification of the streaming data item received from the client via the network to obtain the first identifier; and

using the first and second identifiers to establish the connection with the client, the established connection being independent of the search server.

10. The method of establishing a connection set forth in claim 9 wherein;

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;

the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

11. The method of establishing a connection set forth in claim 9 wherein:

the search server further uses the specification to make a query on a database system that is accessible to the search server, the query returning the first identifier.

12. The method of establishing a connection set forth in claim 11 wherein:

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;

the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

13. The method of establishing a connection set forth in claim 9 wherein:

the database system is an object relational database system that includes a table containing an object that represents the streaming data item,

an open method for the object is defined in the database system, the open method returning the first identifier; and

the database system responds to the query by executing the open method and returning the first identifier.

14. The method of establishing a connection set forth in claim 13 wherein:

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;

the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

15. Apparatus that establishes a connection, the apparatus having access to a network to which a client for a streaming data item and a search server also have access, the apparatus that establishes a connection comprising:

a streaming data item server that contains and provides streaming data items to clients via the network; and

a receiver in the streaming data item server,

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the receiver receiving a first identifier for the streaming data item and a second identifier for the client from the search server via the network, the search server having used a specification of the streaming data item received from the client via the network to obtain the first identifier and the receiver providing the first identifier and the second identifier

5   to the streaming data item server, the streaming data item server using the first identifier and the second identifier to establish a connection for the streaming data item between the client and the streaming data item server, the established connection being independent of the search server.

10   16.   The apparatus of claim 15 wherein:
the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;
the first identifier is a URL for the streaming data item; and
the second identifier is a current IP address for the client.

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17.   The apparatus of claim 15 wherein:
the search server further uses the specification to make a query on a database system that is accessible to the search server, the query returning the first identifier.

20   18.   The apparatus of claim 17 wherein:
the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;
the first identifier is a URL for the streaming data item; and
the second identifier is a current IP address for the client.

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19.   A data storage device, characterized in that:
the data storage device contains code which when executed by a processor implements a method performed in a search server of initiating a connection via a network for a streaming data item between a client for the streaming data item and a streaming data

30   item server that contains the streaming data item, the client and the streaming data item server and thd client and the search server being being accessible to each other via the

network, the connection being independent of the search server, and the method comprising the steps of:

receiving a specification of the streaming data item from the client via the network;

using the specification to make a query on a database system that is accessible to the search server, the query returning a first identifier that identifies the streaming data item;

providing the first identifier and a second identifier to the streaming data item server that contains the streaming data item, the second identifier identifying the client and the first identifier and the second identifier being used by the streaming data item server to establish the connection between the client and the streaming data item.

20. The data storage device set forth in claim 19 further characterized in that:

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;

the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

21. The data storage device set forth in claim 19 further characterized in that:

the database system is an object relational database system that includes a table containing an object that represents the streaming data item,

an open method for the object is defined in the database system, the open method returning the first identifier; and

the database system responds to the query by executing the open method and returning the first identifier.

22. The data storage device set forth in claim 21 further characterized in that:

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;

the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

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23.   A data storage device, characterized in that:

the data storage device contains code which when executed by a processor implements a method of establishing a connection via a network for a streaming data item between a client for the streaming data item and a streaming data item server that contains the streaming data item, the client and the streaming data item server being accessible to each other via the network and the method comprising the steps of:

receiving via the network a first identifier that identifies the streaming data item in the streaming data item server and a second identifier that identifies the client, the first and second identifiers being received from a search server, the search server and the client and the search server and the streaming data item server being accessible to each other via the network and the search server using a specification of the streaming data item received from the client via the network to obtain the first identifier; and

using the first and second identifiers to establish the connection with the client, the established connection being independent of the search server.

24.   The data storage device set forth in claim 23 further characterized in that:

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;

the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

25.   The data storage device set forth in claim 23 further characterized in that:

the search server further uses the specification to make a query on a database system that is accessible to the search server, the query returning the first identifier.

26.   The data storage device set forth in claim 25 further characterized in that:

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;

the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

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27.   The data storage device set forth in claim 23 further characterized in that:

the database system is an object relational database system that includes a table containing an object that represents the streaming data item,

an open method for the object is defined in the database system, the open method returning the first identifier; and

the database system responds to the query by executing the open method and returning the first identifier.

28.   The data storage device set forth in claim 27 further characterized in that:

the client, the streaming data item server, and the search server communicate via the network using the HTTP protocol;

the first identifier is a URL for the streaming data item; and

the second identifier is a current IP address for the client.

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(9) Evidence appendix

None.

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(10) Related proceedings appendix

None.

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